

SUF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Filogonio DELGADO-Cervantes,

Defendant

Magistrate Docket No.

by: *Q*

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 11, 2008** within the Southern District of California, defendant, **Filogonio DELGADO-Cervantes**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF MAY, 2008


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Filogonio DELGADO-Cervantes

PROBABLE CAUSE STATEMENT

On May 11, 2008, Border Patrol Agent J. Nations observed approximately 13 individuals running north through an area known as Driggs Ranch. This area is located approximately 25 miles east of the Tecate, California Port of Entry and approximately 5 miles north of the United States/Mexico International Boundary.

Agent Nations advised other agents and directed them towards the group. When the agents arrived in the area, the group ran across Interstate 8 in heavy traffic. Border Patrol Agent J. Martinez, who was searching the area, encountered twelve individuals, including one later identified as the defendant **Filogonio DELGADO-Cervantes**. Agent Martinez identified himself as a Border Patrol Agent and conducted an immigration inspection. All twelve, admitted to being citizens and nationals of Mexico without having any immigration documents allowing them to be or remain in the United States legally. At approximately 8:45 p.m., all twelve were placed under arrest and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 16, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.